

**Remarks**

Claims 1-2, 4, and 6-7 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Nehls. It is respectfully submitted that this rejection has been rendered moot by the amendment of claim 1 herewith. Claim 1 has been amended to require that the yeast targeting cassette (YTC) does not include a yeast selectable marker. Nehls discloses and his method requires that his purported counterpart of the YTC (what Nehls calls a “positive selection cassette vector”) includes a yeast selectable marker. By developing a method that avoids the need for this yeast selectable marker, Applicants have created a superior system.

The Applicants’ system results in a final product, the gene vector, which when used to create recombinant mice and the like, does not bring into the mammalian cell this extra yeast selectable marker element. The yeast selectable marker of Nehls is an entire coding sequence with yeast promoter elements and the like, and these promoter elements might allow some low level of transcription of the yeast selectable marker gene product within the genetically modified mammal. It is possible that this low level of yeast gene product within the mammal will impact the traits and/or survival of the mammal. Thus, when someone wishes to investigate the effect of the targeted genetic modification on a mammal or a mammalian cell, this effect will be further complicated by the Nehls system, as compared to the use of Applicant’s inventive method. Thus, when using Applicants’ method, it is more likely that all observed changes of the genetically modified mammal are due to the targeted mutation, and NOT due to the presence of yeast proteins in the cells. It is respectfully requested that the rejection of claims 1-2, 4, and 6-7 be withdrawn in view of Applicant’s amendment and arguments.

Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nehls in view of Lewin. Claim 5 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nehls in view of Brocard. Claim 8 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nehls in view of Luo. It is respectfully submitted that these rejections have been rendered moot by the amendment of claim 1 herewith. Thus, it is respectfully requested that the rejections of claims 3, 5, and 8 be withdrawn in view of Applicant’s amendment and arguments.

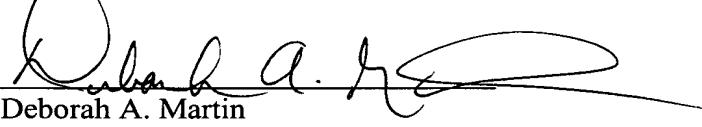
Patent Application  
PC10667AGPR

The Commissioner is hereby authorized to charge any additional fees required, or to credit any overpayment, to Deposit Account No. 16-1445.

A Notice of Allowance is courteously solicited.

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Respectfully submitted,

  
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